

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARVIN DWAYNE MOSBY,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:13-cv-00605-LRH-WGC

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On November 1, 2013, petitioner submitted his *pro se* habeas petition to the Court. (ECF No. 1). Respondents filed a motion to dismiss the petition, arguing that several grounds of the petition are unexhausted. (ECF No. 8). By order filed December 5, 2014, the Court appointed the Office of the Federal Public Defender to represent petitioner in this action. (ECF No. 15). Through counsel, petitioner has filed an unopposed motion to dismiss the petition without prejudice. (ECF No. 21). Petitioner seeks to have this action dismissed while he completes state court post-conviction proceedings. Good cause appearing, petitioner's motion is granted.

IT IS THEREFORE ORDERED that the Clerk of Court **SHALL TERMINATE** respondents' motion to dismiss (ECF No. 8).

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1 **IT IS FURTHER ORDERED** that petitioner's unopposed motion to dismiss the petition
2 without prejudice (ECF No. 21) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

4 DATED this 10th day of July, 2015.

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8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE
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